

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MOBIUS MANAGEMENT SYSTEMS, INC.,	:	
	:	
Plaintiff,	:	
	:	C.A. No. 05-346 SLR
- against -	:	
	:	<u>Declaration of Jonathan M. Wagner</u>
ACARTUS, INC.,	:	
	:	
Defendant.	:	
	:	

I, Jonathan M. Wagner, hereby declare:

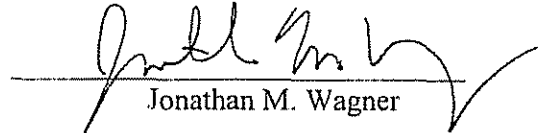
1. I am a member of the firm of Kramer Levin Naftalis & Frankel LLP, co-counsel with The Bayard Firm to plaintiff Mobius Management Systems, Inc. I respectfully submit this declaration in opposition to defendant Acartus' motion to dismiss and for a stay, to make available to the Court the documents cited in Mobius' memorandum in opposition to Acartus' motion.

2. Attached as exhibits are true copies of the following:

<u>Exhibit</u>	<u>Description</u>
A	Mobius' Complaint
B	Mobius' Motion for a Preliminary Injunction
C	Mobius' First Request for Production of Documents

- D July 6, 2005 Order scheduling a preliminary injunction hearing for August 1
- E July 18, 2005 Order addressing Mobius' preliminary injunction application
- F August 11, 2005 Stipulation extending Acartus' time to respond to Mobius' First Request for Production of Documents
- G Acartus' discovery responses
- H Acartus' discovery requests
- I Mobius' Amended Complaint
- J Mobius' Amended Complaint, in red-lined form

Pursuant to 28 U.S.C. §1746, I certify under penalty of perjury that the foregoing is true and correct. Executed this 19th day of September, 2005.


Jonathan M. Wagner